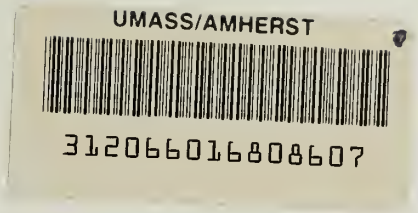
MASS. HS 50.2: C36



Chapter 766: A Practical Guide

GOVERNMENT DOCUMENTS
COLLECTION

NOV 24 1995

University of Massachusetts
Depository Copy

Accessing Special Education Services in Massachusetts

A Joint Publication of
the Friends of Children
& the Office for Children

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office for Children
Central Office
One Ashburton Place
Boston, Massachusetts 02108

WILLIAM F. WELD
Governor
GERALD WHITBURN
Secretary
VIRGINIA MELENDEZ
Commissioner

Telephone:
(617) 727-8900
FAX (617) 727-0528

May 1995

Dear Citizens,

It is a pleasure to present to you this **Practical Guide to Chapter 766**. I hope you will find it both a useful and informative guide to finding the services that best meet your child's needs.

The Office for Children (OFC) is dedicated to helping each child reach his/her full potential. During the course of each year, we receive more than 1000 inquiries from parents and professionals who need more information and/or advocacy on how to access special education services in their communities. OFC staff work hard to ensure that parents have all of the information necessary to make informed choices based on all possible options. OFC also sends written referrals to other agencies to enhance the coordination and implementation of the special education services families receive.

This guide was designed by a group of parents and professionals dedicated to empowering parents by giving them the information they need to build strong working partnerships with the local officials and agencies that serve them.

Special thanks go to Jane Lyons, Executive Director of the Friends of Children in Northampton, MaryJane LaVallee, Parent, Susan Avery-Miller, Parent and Jack Miller, Program Coordinator, Office for Children for their hard work developing this valuable resource. Also, sincere thanks go to the many agencies and staff listed in this publication whose efforts were essential to the success of this project.

I wish you and your families all the best. Working together, we can help all children reach their full potential.

Sincerely,

Virginia Melendez
Commissioner

Table of Contents

Building a Good Working Relationship with Your Child's School 1

Special Education Evaluation Process and Timeline 2

Timeline if Parent Accepts the IEP 3

Timeline if Parent Rejects the IEP 4

Timeline if Parent Requests an Independent Evaluation 6

Parent Tips 7

Questions and Answers 9

Sample Letter Requesting an Independent Evaluation 15

ADHD Accommodations for Students 16

Terms and Definitions 17

Statewide Resources 19

Chapter 766: A Practical Guide

BUILDING A GOOD WORKING RELATIONSHIP WITH YOUR CHILD'S SCHOOL

Digitized by the Internet Archive
in 2014

https://archive.org/details/chapter766practi00mass

BUILDING A GOOD WORKING RELATIONSHIP WITH YOUR CHILD'S SCHOOL

This guide has been developed to provide parents with some excellent, useful information concerning the Chapter 766 process. Most parts of this booklet assist the reader in increasing his/her knowledge base about the regulations and how to use them appropriately to access special education services. Having this foundation, better informed parents can respond to issues appropriately, intelligently, and with reasonable confidence that they have accurate information.

Although useful, information alone is not enough to ensure the best special education services for your child. It takes time, patience and skillful communication to produce positive results. Parents will consider that special education services tend to be more expensive and require significant staff planning and work to meet the individual needs of the student. These issues have a significant impact on the decisions that lead to the development and implementation of the individual education plan.

It helps to know a lot about the Chapter 766 regulations. They are the rules that must be followed. In truth, however, many real life situations tend to fall in gray areas that may not be written about specifically, or that are subject to interpretation. Parents are well-advised to work in close partnership with their school officials. Building a strong working relationship is hard work because it requires a major investment in time and energy. The important goal to keep in mind is securing the best possible education plan for the child.

Here are some tips on developing and maintaining a good working partnership with your child's school:

Operate on the assumption that the people working with and planning for your child are there to act in his/her best interests. This will help you to view school professionals as allies.

Check in occasionally with your child's teachers and other staff in a friendly and informal way. This registers your interest and communicates your desire to be an active, approachable partner in your child's education plan.

Offer some assistance when and if you can.

When needed, solicit the advice of those who work with your child each day. Offer some suggestions that you know work well too.

Acknowledge the positive work that you see happening with your child's program. Respond quickly and openly to any correspondence that comes from school. If you think you need some time for a decision, respond by saying so. Convey your diligence and sincerity.

If you are unsure or uncomfortable about anything concerning your child's school program, don't put off asking your questions and discussing your concerns with appropriate staff. (This will only increase your anxiety and/or anger.) Call or write for a meeting or phone conversation to address the issue as soon as possible. Settle the problem now!

The **Parent Tips** section of this guide includes more specific suggestions on how to work effectively with your child's school.

Chapter 766: A Practical Guide

TIMELINES

SPECIAL EDUCATION
EVALUATION PROCESS AND TIMELINE

FIRST, there is a...

1. Determination of pre-referral or referral no later than 5 Days after occurrence of any conditions under Ch. 766 regulations 310.0 - 310.3. (These regulations refer to categories of young people who may demonstrate significant possible risk in need of special education services.)

THEN...

2. Referral is made by parent, teacher, student, or other (see regulations 311.0 - 311.7)

THEN...

3. School sends notification letter to parent. Parent must also receive an explanation for procedural rights available to parents of children with special needs. (Once the school district receives the referral for a 766 Team evaluation, they have 5 days to respond with a notification letter to parent.)

THEN...

4. Parent gives written consent. (Regulation 208.0)

THEN...

5. School District receives written consent from parent.

THEN...

6. Evaluations are completed. The school district has 30 working days to complete their assessments. (Assessment summaries must be completed no later than 2 Days before the Team meeting.)

THEN...

7. Parent receives written notice of Team meeting early enough to ensure opportunity to attend.

THEN...

8. Team meeting is held. The IEP is developed, or the Team determines that the child does not require special education services.

THEN...

9. Parent receives 2 copies of the IEP with notification letter and explanation. (within 45 school working days upon consent of evaluation)

THEN....

10. Parent reviews IEP and determines which option they wish to exercise.

- Option A - **Accepting the IEP**; turn to page 3
- Option B - **Rejecting the IEP**; turn to page 4
- Option C - **Requesting an Independent Evaluation**; turn to page 6

SPECIAL EDUCATION TIMELINE
IF PARENT ACCEPTS THE IEP

FOLLOW STEPS 1 - 10 OF THE BASIC TIMELINE. (p. 2)

THEN...

11. Parent accepts the IEP and sends accepted IEP to school.

THEN...

12. Teachers are notified with copy of IEP.

THEN...

13. IEP is implemented immediately.

PROGRESS REPORTS and REVIEWS

14(a). If student is in a private or out-of-district placement, parent receives QUARTERLY progress reports. (regulation 335.1)

14(b). If student is in a public school placement, parent receives SEMI-ANNUAL progress reports. (regulation 335.1)

15. Parents are invited AT LEAST 10 DAYS prior to review meeting.

16. Annual review is held within 10 months of initial placement. After that, reviews are held at least once a year, on or before the anniversary date of implementation of the IEP.

THEN...

17(a). A new or amended IEP is made.

17(b). If referral for re-evaluation, parent receives a written summary in 10 school working days, accompanied with notification letter and explanation.

SPECIAL EDUCATION TIMELINE
IF PARENT REJECTS THE IEP

FOLLOW STEPS 1 - 10 OF THE BASIC TIMELINE. (p. 2)

THEN...

11. Parent rejects IEP and sends rejected IEP to school.

THEN...

12. Within 5 days the school notifies the Bureau of Special Education Appeals (BSEA) in writing of rejected plan. (regulation 400.1)

THEN...

13. BSEA sends notice to parent regarding Appeals process. (regulations 401.0, 402.0)

THEN...

14. Parents have three options.

OPTION 1:

(a) have mediation meeting.

(a)(i) If parents choose to have a MEDIATION meeting, then within 30 days of receipt of request for mediation, a mediator will schedule a mediation session at a time and place convenient to the parties. (regulation 401.0)

THEN...

(a)(ii) Mediation meeting is held.

THEN...

(a)(iii) If successful, an agreement between both parties will be made which will be set forth in a mediation agreement.

If the mediation is unsuccessful, THEN...

(b)(i) Parent may request a hearing.

OPTION 2:

(a) have a BSEA Hearing.

(Note: Parents and school may request a BSEA hearing without participating in mediation.)

(a)(i) Hearing date is scheduled within 20 days of receipt of written request. (regulation 402.3)

THEN...

(ii) BSEA hearing is held. BSEA decision on case is made within 45 days from time hearing is requested. (regulation 403.1 (e))

OPTION 3:

(a) Do nothing.

(a)(i) If parent does nothing, or pending appeal, the school keeps child in last agreed upon program.

SPECIAL EDUCATION TIMELINE
IF PARENT REQUESTS AN INDEPENDENT EVALUATION

(Refer to page 11 for more specific information about independent evaluations.)

FOLLOW STEPS 1 - 10 OF THE BASIC TIMELINE. (p. 2)

THEN...

11. If the parent requests an independent evaluation, the school district must respond within 5 school working days. (regulation 328.2)

THEN...

12. Evaluation will be completed within 30 days. (regulation 328.2)

THEN...

13. Team reconvenes within 10 school working days of receipt of independent evaluation and writes new or modifies IEP. (regulation 328.4)

THEN...

14. Two copies of the IEP are sent to parent within 10 school working days.***

***If the Team meeting is held within 10 school working days of the end of the school year, the school district shall then send the required IEPs to the parent within 14 calendar days. (regulation 328.4)

Chapter 766: A Practical Guide

PARENT TIPS

Before the TEAM Meeting

- Remember you are the primary decision maker for your child. No changes in your child's placement or services should take place without your approval except in an emergency situation.
- Talk with other parents to discuss strategies and common problems, and work together for solutions. You are not alone. Join other parents and become a member of your local Chapter 766 Parent Advisory Council (PAC).
- Read about your child's special needs. Talk with professionals and other parents to learn as much as you can. Try to have a complete understanding of you child's special education needs. Focus on your child's strengths. Try to keep things on a positive level.
- Write down your child's accomplishments, and the questions you have for the TEAM. Prepare notes and questions before the meeting. Focus on what your child can do.
- Think about your child: What can he or she do? What does he or she contribute to your family, community, and school? What are your dreams for this child when he or she becomes an adult? What do you hope he or she will learn in the next year? What is needed to meet these goals? What do you need the school to provide? Where?
- Sit with your child (if appropriate) and ask what he or she thinks are needs, hopes, and dreams for the future. You might get some great ideas from this.

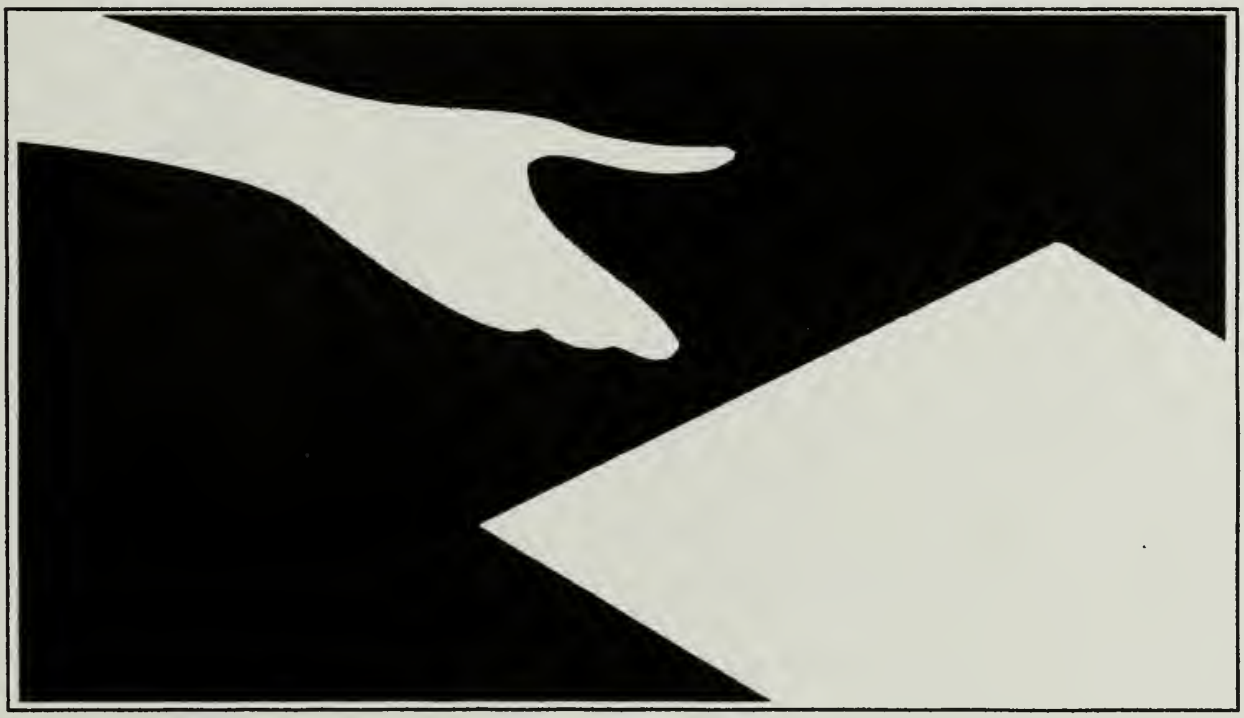
At the TEAM Meeting

- You have the right to have anyone you choose attend the TEAM meeting with you. Bring a friend or family member for moral support and to take notes for you. You may also invite any professional in your child's life to attend or send in a letter or documentation that will help the TEAM. (Idea: bring along a tape recorder so that you can review the meeting later at home.)
- You are a professional. Dress appropriately, stand straight, shake hands firmly, and maintain eye contact as you introduce yourself to others. If no one begins the introductions, do so yourself.
- Sit with the other TEAM members. This shows that you are part of the decision making. Try to avoid having your side and their side of the table; it sets up sides rather than focusing on the joint effort.
- Plan to arrive a few minutes early. This gives you a little time to meet some of the other TEAM members before the meeting begins. You will also demonstrate that you consider this to be important.
- Remember that understanding the other person's viewpoint is not agreeing with them, but shows that you are paying attention and are interested in what they have to say, that you are willing to work with the TEAM.
- Feel free to ask questions or for clarification of anything you don't understand; make sure that you give plenty of time for the other members to speak and explain their position.
- It may not be possible to finish all the business at hand in one session. Reconvening the next day or even in a few days can give everyone time to stay "fresh of mind" rather than rush just to finish up.
- As a TEAM member, be flexible enough to accept minor revisions, but be firm about major issues.
- Never sign the IEP the day of the meeting.

In Your Child's Program

- Maintain close contact with your child's teacher. Some parents have regular meetings; some use a "home to school" notebook; while others find that a regular telephone call works just fine. Be supportive and listen to the teacher's feelings and ideas.
- If you think that TEAM members (or anyone involved) are doing a fine job, tell them so.
- Remember you've known your child for a long time. Share hints that you've discovered or offer to help adapt materials that will improve your child's learning.
- Remember, other people in the school also help in informal ways: janitors, secretaries, bus drivers, lunchroom workers.
- Go over your child's IEP every few months. Is it working? Are the services you agreed on being given? Are you satisfied? Is your child happy?
- If the IEP is not working, ask for a meeting of all the people involved. If you need to, ask for a TEAM meeting to change the IEP. You may do this at any time.
- Talk with your child's liaison person to see if you can work out the problem. Most times a problem is a simple misunderstanding and can be resolved by asking questions or explaining your expectations.

Remember, you are a member of the TEAM.



Chapter 766: A Practical Guide

QUESTIONS & ANSWERS

QUESTIONS AND ANSWERS

Chapter 766 Regulations

Can I get a copy of the Chapter 766 regulations?

Yes! call the State House Bookstore at (617) 727-2834 and ask for the Chapter 766 regulations. The cost is $10.45 if you want the book mailed to you. If you pick up the regulations, the cost is $7.85. Make your check payable to the Commonwealth of Massachusetts. The bookstore is located on the first floor of the State House in room 116. The State House Bookstore mailing address is: State House Bookstore, Room 116, State House, Boston, MA 02133.

Early Intervention Services

Q: I have a two year old child with special needs. Is my child entitled to any services before he reaches school age?

Your child may be entitled to Early Intervention services. You should contact the State Department of Public Health at (617) 727-6941 for more information about Early Intervention Services.

Referral to Special Education

Q: Who can refer my child to special education services?

There are many people who may refer your child for a special education evaluation. They include your child's classroom teacher, a physician, you, as the child's parent, and others. For a full list of referral sources read Chapter 766 regulations 311.0 to 311.7. The "referral" is a request to your local Administrator of Special Education to begin the process of **evaluating** your child to determine if he/she will need special education services.

Your written consent for testing is necessary for the school district to conduct a 766 evaluation! For a quick way to begin the 766 team evaluation referral process, **go in person** to your local special education administration office to sign the necessary release forms. This way, you may save valuable time mailing or sending forms back and forth from home to school or office.

Attending Team Meetings

Q: I recently attended a 766 Team meeting concerning my child's IEP. I attended the meeting by myself, and there were 7 school professionals. I was overwhelmed by this experience, and I was too nervous to say much. I feel like I didn't say what I wanted to discuss. Any ideas on how I can make this process easier?

It is very common for most people to feel intimidated at the Team meeting. The professionals are used to using "sped terminology" that you may not be familiar with. It would be most beneficial if you brush up on some terms in the Terms and Definitions section of this guide. (p. 17)

ALSO...

Refer to the Parent Tips section (p. 7) of this guide. These are great suggestions that will help you prepare for the meetings!

Disagree with IEP

Q: I disagree with all or part of my child's proposed IEP. What are my options at this point?

You have several options and you can find these choices in the Response Options/Signatures section of your child's individual education plan (IEP). You may:

* Accept the IEP in full
* Postpone a decision until the completion of an independent evaluation
* Request an independent evaluation
* Reject the IEP in full
* Reject any portion(s) of the IEP (Portions that you DO NOT reject will be considered accepted and implemented immediately.)
* Request a meeting to discusss the rejected IEP or rejected portions. (This option is included in the NEW IEP forms which may not be used by all school districts at this time.)

***Important note:** In some cases you may be choosing more than one option to respond to the proposed IEP. (example: You may reject only a portion of the IEP and also request an independent evaluation.) Failure to choose ANY option will not resolve any disagreement that you may have with the proposed plan. If you choose to do nothing at this point, then the last agreed upon IEP will remain in effect. It is in your child's best interest to communicate your concerns with the appropriate special education staff. You should clearly indicate your intentions in this section of the IEP.

Refer to the Timelines section of this guide. (p. 4 "Special Education Timeline if Parent REJECTS the IEP") This section outlines your options if you decide to reject the proposed plan.

Failure to Implement IEP

Q: I agree with all parts of my child's IEP, but the school has not fully implemented the plan. This has been going on for weeks! What can I do?

This is a situation when you want to make sure that you have had direct on-going communication with principle parties involved with your child's special education services. These parties may include your child's teachers, the building principal, and certainly the Special Education Administrator. You will want to make sure you understand **why** there has been a delay in services, and **when** services are going to begin.

If you are sure that you have exhausted all reasonable attempts to resolve the issue and have not had satisfactory results, then you should contact the State Department of Education (DOE) to file a complaint. **The DOE can be reached at (617) 388-3300.** Ask to speak to a special education liaison that covers your school district. These staff members will take your complaint, answer your questions, and best advise you on the next steps. The DOE will follow-up on your complaint with the appropriate local school district staff.

Evaluations Done on Your Own

Q: Do I have to let the school district do their evaluation first, or can I have this done on my own?

School districts are required minimally to evaluate children in several categories: educational, psychological and medical (your child's physician can fill out the school form or assess your child, OR the school doctor can provide a physical.) Additionally, parents will be asked to meet with school personnel to discuss their child's developmental history since birth.

You do have the right to have your own evaluations conducted outside the school system at your own expense. The school will listen to these evaluations, but do not need to follow the recommendations contained in them.

If other assessments are needed (such as Speech and Language, PT, OT, etc.), the Special Education Administrator must approve of having these done.

Independent Evaluation

Q: When may I request an independent evaluation from the school district? Does the school district have to pay for this?

You may request an independent evaluation (aka: second opinion) at the school system's expense if you do not agree with the findings of the school's assessments and the independent evaluation is of the same type originally done by the school. You have a right to choose who will conduct the evaluation. The school system must take the findings of the evaluation into consideration and a Team will reconvene to hear the results and modify the IEP, if necessary.

Refer to the Timelines section of this guide. (p. 6 "Special Education Timeline if Parent Requests an INDEPENDENT EVALUATION").

Refer to Chapter 766 Regulations 328.0 - 329.0 for information about independent evaluations.

Refer to page 15 for a sample letter of a Request for an Independent Evaluation.

About Attention Deficit Disorder

Q: My child is diagnosed with ADHD and as such receives special education services in school. He can exhibit some behaviors that are disruptive and annoying to teachers and classmates. Are there any useful resources that can assist all of us who are working with him?

Yes. In February 1994, the Massachusetts Department of Education developed an released an advisory booklet entitled, **A Focus on Attention Deficits.** This useful 22 page guide includes definitions, policy clarification, the needs of students and families section, medication, school strategies, and other resources that can help you. Call the DOE at (617) 388-3300 and request a copy.

ALSO...

On page 16 of this guide you will find a useful one-page article written by clinical psychologist Harvey C. Parker, Ph.D. entitled, **"ADAPT Accommodations Help Students with Attention Deficit Disorders".**The article outlines excellent examples of accommodations that teachers can make to adapt to the needs of students diagnosed with ADD.

ALSO...

Write to the **New England Attention Disorders Support Group, P.O. Box 2835, Framingham, MA 01701,** for more resource information.

Evaluating the IEP

Q: The school district recently presented my child's IEP to me at a Team meeting. To be honest, I really don't know if the plan is adequate or not. Any advice as to how I can appropriately determine this?

There are several options available, such as:

1. Ask another parent who has a special needs child and who is experienced with the process to review the plan with you.

2. Possibly your child's teacher is very familiar with his/her situation and can be a good resource for you. OR You might consider talking to a former teacher or other school professional who knows your child.

3. Ask your Special Education Director or Coordinator to help create a M.A.P.S. (This is an action planning system.) on your child. See the *Terms and Definitions* section (p. 17) of this guide.

4. You might consider another system called COACH (Choosing Options and Accommodations for Children). See the *Terms and Definitions* section of this guide.

5. Your inability to determine the adequateness of the proposed IEP may mean that you missed some information at the Team meeting. Review the plan again. Develop specific questions to ask your Special Education Director or Coordinator and write them down. Call and ask your questions.

About Inclusion

Q: I have heard the word "inclusion" used a lot. What does it mean? Is it for my child?

Inclusion means simply that when a school educates a child with a disability, it should do so in a way that least limits or restricts that child's opportunities to be near and interact with other typical children.

The following two lists were developed by The Federation for Children with Special Needs. They illustrate some excellent examples of what inclusion IS and IS NOT:

Inclusion Does Mean:

* all children learning together regardless of the type or severity of their disabilities

* providing the necessary supports and special services within regular schools

* supporting regular education teachers and administrators

* all children participating in all facets of school life: academic classaes and non-academic and extracurricular activities, including art, music, gym, field trips, assemblies, and graduation exercises

* teaching all children to understand and accept human differences

* children learning side by side even though they have some different educational goals

* using innovative teaching strategies for children's varied learning styles

* integrating related services in the regular classroom

Inclusion Does Not Mean:

* ignoring parent's concerns

* doing away with or cutting back on special education services

* sacrificing the education of typical children

* placing unreasonable demands on teachers and administrators

* trading off quality for integration

* all children learning the same thing, at the same time, in the same way

* "dumping" children with disabilities into regular programs without necessary supports and services

* locating special education classes in separate wings at a regular school

* placing older students with disabilities at schools for younger children

Behavior Problems: Suspension and Expulsion

Q: My child is a special needs student and sometimes exhibits acting-out, disruptive behaviors. He needs lots of intervention from professional staff when this happens. I'm afraid that he is going to get a lot of detentions and suspensions. That's really not going to help. What can be done about this?

Every IEP must answer the question of whether or not the school discipline policy should be modified for the student. You should find this section in your child's IEP. If the reason or part of the reason your child receives special education services is that he exhibits disruptive behaviors, then the Team should discuss how to address these behaviors.

Each student's needs are different. It is sometimes recommended that there be no modification of school conduct rules. There are, however, many times when the rules must be changed to deal more appropriately with the needs of the student. If your child is being sent home often, or is repeatedly getting detentions, you should consider asking that the Team be reconvened to discuss the issue. Students cannot learn if they are constantly being taken out of class or school because of behavior. There may be alternative approaches or placements to consider.

The State Department of Education has a useful **Technical Assistance Information Guide on Disciplining Students with Special Needs.** This resource also includes a question and answer guide. Contact DOE at (617) 388-3300 for a copy.

Interpreter Services

Q: I have friend who does not speak English, and whose child was recently tested by the public school Special Education Department. There is a 766 Team meeting coming up in the near future. Is the school district obligated to provide for interpreter services?

Yes. This issue is addressed in the Chapter 766 regulations, 203.0 through 203.3. The regulations basically state that each school district shall insure that all communications AND meetings with parents or children (whose primary language spoken at home is other than English) shall comply with the following provisions:

* Communications in simple and commonly understood words

* Communicatons shall be in English AND the primary language of the home. Interpreters provided shall be fluent in the primary language of the home.

* If parents or child cannot read, or are blind, or are deaf, communications shall be made orally in English, or with use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate.

Sample Letter
Requesting an Independent Evaluation

Your Name
Street Address
City, State, Zip

Date

SPED Administrator
Office Address
City, State, Zip

Dear_____:

I am requesting an independent evaluation for my son/daughter, (child's full name, current address, and date of birth). He/She is a student at (name of school and grade). I understand that the testing to be done must be equivalent to those assessments that have been completed by the school district. I also understand that the independent evaluation is to be completed at no cost to me. I am requesting independent testing in the following areas:

(list testing areas)

I have chosen (name, address of evaluator) to provide the independent evaluation. (name of evaluator) can be contacted at (telephone number and full address) to discuss testing and to arrange for payment of services provided.

Thank you for your attention to this matter. You may contact me at (telephone number and available times) if you have any questions.

Sincerely,

(signature)

Keep a copy of the letter you sign and send in for your records.

Accommodations Help Students with Attention Deficit Disorders

Harvey C. Parker, Ph.D.

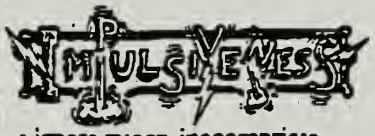
Clinical Psychologist

Author of *The ADD Hyperactivity Workbook for Parents, Teachers, and Kids* and *The ADD Hyperactivity Handbook for Schools*

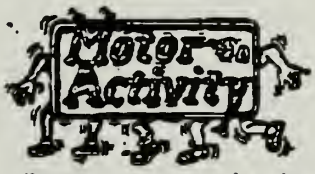
Children and youth with attention deficit disorder (ADD) often have serious problems in school. Inattention, impulsiveness, hyperactivity, disorganization, and other difficulties can lead to unfinished assignments, careless errors, and behavior which is disruptive to one's self and others. Through the implementation of relatively simple and straightforward accommodations to the classroom environment or teaching style, teachers can adapt to the strengths and weaknesses of students with ADD. Small changes in how a teacher approaches the student with ADD or in what the teacher expects can turn a losing year into a winning one for the child.

Examples of accommodations which teachers can make to adapt to the needs of students with ADD are grouped below according to areas of difficulty.

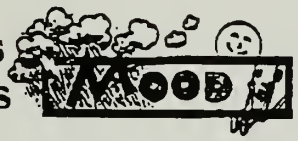
- seat student in quiet area
- seat student near good role model
- seat student near "study buddy"
- increase distance between desks
- allow extra time to complete assigned work
- shorten assignments or work periods to coincide with span of attention; use timer
- break long assignments into smaller parts so student can see end to work
- assist student in setting short-term goals
- give assignments one at a time to avoid work overload
- require fewer correct responses for grade
- reduce amount of homework
- instruct student in self-monitoring using cueing
- pair written instructions with oral instructions
- provide peer assistance in notetaking
- give clear, concise instructions
- seek to involve student in lesson presentation
- cue student to stay on task, i.e. private signal



- ignore minor, inappropriate behavior
- increase immediacy of rewards and consequences
- use time-out procedure for misbehavior
- supervise closely during transition times
- use "prudent" reprimands for misbehavior (i.e. avoid lecturing or criticism)
- attend to positive behavior with compliments, etc..
- acknowledge positive behavior of nearby student
- seat student near good role model or near teacher
- set up behavior contract
- instruct student in self-monitoring of behavior, i.e. hand raising, calling out
- call on only when hand is raised in appropriate manner
- praise student when hand raised to answer question



- allow student to stand at times while working
- provide opportunity for "seat breaks" i.e. run errands, etc.
- provide short break between assignments
- supervise closely during transition times
- remind student to check over work product if performance is rushed and careless
- give extra time to complete tasks (especially for students with slow motor tempo)



- provide reassurance and encouragement
- frequently compliment positive behavior and work product
- speak softly in non-threatening manner if student shows nervousness
- review instructions when giving new assignments to make sure student comprehends directions
- look for opportunities for student to display leadership role in class
- conference frequently with parents to learn about student's interests and achievements outside of school
- send positive notes home
- make time to talk alone with student
- encourage social interactions with classmates if student is withdrawn or excessively shy
- reinforce frequently when signs of frustration are noticed
- look for signs of stress build up and provide encouragement or reduced work load to alleviate pressure and avoid temper outburst
- spend more time talking to students who seem pent up or display anger easily
- provide brief training in anger control: encourage student to walk away; use calming strategies; tell nearby adult if getting angry

- if reading is weak: provide additional reading time; use "previewing" strategies: select text with less on a page; shorten amount of required reading; avoid oral reading
- if oral expression is weak: accept all oral responses; substitute display for oral report: encourage student to tell about new ideas or experiences; pick topics easy for student to talk about
- if written language is weak: accept non-written forms for reports (i.e. displays, oral, projects); accept use of typewriter, word processor, tape recorder; do not assign large quantity of written work; test with multiple choice or fill-in questions
- if math is weak: allow use of calculator; use graph paper to space numbers; provide additional math time; provide immediate correctness feedback and instruction via modeling of the correct computational procedure

- ask for parental help in encouraging organization.
- provide organization rules
- encourage student to have notebook with dividers and folders for work
- provide student with homework assignment book
- supervise writing down of homework assignments
- send daily/weekly progress reports home
- regularly check desk and notebook for neatness, encourage neatness rather than penalize sloppiness
- allow student to have extra set of books at home
- give assignments one at a time
- assist student in setting short-term goals
- do not penalize for poor handwriting if visual-motor deficts are present
- encourage learning of keyboarding skills
- allow student to tape record assignments or homework

- praise compliant behavior
- provide immediate feedback
- ignore minor misbehavior
- use teacher attention to reinforce positive behavior
- use "prudent" reprimands for misbehavior (i.e. avoid lecturing or criticism)
- acknowledge positive behavior of nearby student
- supervise student closely during transition times
- seat student near teacher
- set up behavior contract
- implement classroom behavior management system
- instruct student in self-monitoring of behavior

- praise appropriate behavior
- monitor social interactions
- set up social behavior goals with student and implement a reward program
- prompt appropriate social behavior either verbally or with private signal
- encourage cooperative learning tasks with other students
- provide small group social skills training
- praise student frequently
- assign special responsibilities to student in presence of peer group so others observe student in a positive light

Chapter 766: A Practical Guide

TERMS & DEFINITIONS

TERMS AND DEFINITIONS

Special Education The Chapter 766 regulations define "special education" as follows: (regulation 129.0)
"specially designed instruction at no cost to the parent(s) or guardian to meet the unique needs of a child in need of special education , including the development of the child's educational potential. The term shall include: a) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and b) instruction in physical education."

Child in Need of Special Education The Chapter 766 regulations define this term as follows: (regulation 104.0)
" a child who has been determined to need special education in accordance with the provisions of (regulation) 321.0, or has been referred to a program described in (regulation) 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education. Pursuant to M.G.L. c.71B, s.1, no child shall be determined to be a school age child with special needs soley because the child's behavior violates the school's disciplinary code. Children of ages three and four shall qualify as children in need of special education if, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional, or physical factors, or other specific learning impairments, or any combination thereof, they would be unable to progress effectively in a developmentally appropriate education program and would require special education."

Administrator of Special Education — the person who is the head of all special education programs and services in a school district. The Administrator of Special Education is also referred to as the SPED Director.

Advocate — an individual who assists the parent through the special education evaluation, IEP development, placement and/or appeals process.

Amendment — a change made from the original Individual Education Plan (IEP). They are notations in the IEP which add to or delete specific special education services.

Assessment — tests and observations completed as part of the evaluation process in order to determine the student's ability to perform specific tasks.

BSEA — Bureau of Special Education Appeals
Bureau within the Department of Education that conducts due process hearings and mediations (special education and related matters)

COACH — Choosing Options and Accomodations for Children; an assessment and planning tool based on individually determined valued life outcomes

Chapter 688 — Turning 22 Law
The purpose of this law is to provide a two year transitional planning period for those students throughout the Commonwealth who will be leaving the educational system and entering the adult human service system. Its intent is to serve the more severely disabled young adult who will no longer be eligible for special education services because of turning age 22, or because of graduation, but who will continue to need services during adulthood.

Cognitive Skills — mental processes by which knowledge is acquired. This includes perception, reasoning, intuition and memory.

IDEA — Individuals with Disabilities Act —federal special education laws; formerly called the Education of the Handicapped Act Statute: P.L. 94-142

IEP — Individual Education Plan; is a detailed written plan developed for a student in need of special education services which outlines his/her educational needs, strengths and weaknesses, and states how, where, and by whom the student will be taught.

Independent Evaluator — The Chapter 766 regulations define an independent evaluator as: "an individual or group of individuals who are not employed by the public school, who are registered , certified, licensed or otherwise approved to perform the assessments requested by the parent[pursuant to regulation 328.0] , and who abide by the rates set by the agency responsible for setting such rates.

Least Resrictive Environment — also referred to as LRE. The least resrictive environment refers to the minimum amount of services necessary to allow a student receiving special education services develop to the maximum possible extent.

MAPS — Magill Action Plan; an action planning system based on an individual's strengths, fears, dreams, and talents in order to provide a circle of support for the student.

PAC — Parent Advisory Council — PACs are fully described in Chapter 6 of the 766regulations. PACs advise the school district on matters that pertain to education, health, and safety of students with special needs. They meet regularly with school officials to participate in the planning, development aand evaluation of the school district's special education programs.

Rehabilitation Act of 1973 — Section 504 —civil rights law that prohibits discrimination against qualified handicapped persons by recipients of federal funds.

Related Services — are "other" services provided by school districts which assist students with special education needs. These services include transportation, vocational, career and rehabilitation counseling, services provided by the school nurse, therapies such as speech and language, physical therapy, and occupational therapy, audiology, medical services for evaluation, adaptive physical education and assistive technology.

State Advisory Commission — SAC
(for more information about the SAC, refer to Chapter 766 regulations 604.0 - 608.0)
appointed advisory body who shall advise the Department of Education on:

- the unmet needs for special education within the Commonwealth
- comment on special ed. state plan, and proposed special ed. regulations, and procedures for distribution of funds under IDEA
- assist the DOE in developing and reporting information to the US DOE under IDEA and amendments
- assign members to meet periodically with selected constituent groups to ensure input to the SAC

Team Meeting — meeting of parent(s), SPED Director or designee, evaluators, teachers, and/or others involved in the student's education. The purpose of the Team meeting is to discuss the child's academic strengths and weaknesses in order to determine the best way s/he learns, and to develop the IEP.

Chapter 766: A Practical Guide

RESOURCES

STATEWIDE RESOURCES

Ask-A-Nurse	24 hr. toll-free phone service practical medical advice	1-800-544-2424
ADD TECH	assistive technology	1-800-875-7990
American Camping Association		(617) 899-2042
Assoc. for Retarded Citizens	see Mass. ARC	
Bureau of Transitional Planning	Chapter 688	(617)727-7600
Child Care Resource Information	see Office for Children	
Citizens Information Center	info re: state government services	1-800-392-6090
Department of Education	information, policy, technical assistance, complaint	(617)388-3300
Disability Law Center	legal services	1-800-872-9992
Early Intervention	services to children ages birth to 3 years	(617)727-6941
Easter Seals	Home Health Aides, Equipment OT, PT, Speech Services	1-800-622-2600
EDUCATION	see Dept. of Education and US DOE	
Federation for Children with Special Needs	advocacy, information	1-800-331-0688
Health Care for All	med.insurance information	(617)350-7279
Human Service Yellow Pages	comprehensive directory cost: approx. $20	(617)523-3745

Info. Center for Individ. With Disabilities	various resources	1-800-462-5015
MAAPS- Mass. Assoc. for Approved 766 Private Schools	directory	(617)245-1220
Mass. ARC-- Mass. Assoc. for Retarded Citizens	information, advocacy	(617)891-6270
MCCD--Mass. Coalition of Citizens with Disabilities	education, info and referral	1-800-TRY-MCCD
MDDC--Mass. Developmental Disab. Council	information, policy, legislative advocacy, multi-cultural outreach	(617) 727-6374
National Organization for Rare Disorders	clearinghouse of info	1-800-999-6673
New England Index	info and referral, parent-to-parent network, physicians' registry, multi-lingual/multi-cultural resources	1-800-642-0249
Office for Children	info and referral, child care resource information	(617)727-8900
Transitional Planning	see Bureau of Transitional Planning	
United Way	information and referral	1-800-331-0688
US Dept. of Education	Office of Civil Rights-- complaints, tech. assistance	(617)223-9695

Reader's Comments

Do you have any suggestions to improve this Practical Guide to Chapter 766?

If you do, we would appreciate your comments. Please write your specific recommendations below. Your ideas will be considered for a second edition of this guide. Mail this completed form to **Jack Miller, Office for Children, One Ashburton Place, Boston, MA 02108. Thank you.**